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March 14, 2017

Honorable Nelva Gonzales Ramos
United States District Court
Southern District of Texas
Corpus Christi Division
113 N. Shoreline Boulevard
Corpus Christi, Texas 78401

Re: Case No. 2:13-cv-00193; *Marc Veasey, et al. vs. Greg Abbott, et al.*; In the United States District Court for the Southern District of Texas, Corpus Christi Division.

Honorable Judge Ramos:

On Friday, March 10, 2017, the three-judge district court in the Western District of Texas - San Antonio Division issued an order concerning constitutional and Voting Rights Act challenges with respect to the congressional redistricting plan passed by the Texas Legislature in 2011. In this decision, which we attach, the district court gives careful consideration to Texas's argument that legislation passed by the 2013 Legislature rendered the case against the 2011 redistricting plans moot. Given that Texas makes a nearly identical argument concerning SB 14 and SB 5, the voter ID bill now under consideration, we thought the Court would benefit from this new decision.

The procedural history of the redistricting challenge in quite complex and not dissimilar to the events concerning the SB 14 challenges. Texas passed redistricting plans in 2011, but a three-judge federal district court in the District of Columbia declined to pre-clear the plans. As a result, the San Antonio district court was left with the "unwelcome obligation" to draw plans for use in the 2012 elections. The plans drawn by the district court were appealed to the Supreme

Court, which reversed, and set out the standard the district court was to use in drawing interim plans in light of the fact that a final judgment had not been entered on the 2011 plans. The district court drew those "interim" plans, which were implemented and, the Legislature later adopted the interim plans with some limited revision. Texas then took the position that the 2011 challenges were moot. Plaintiffs in that case continued to maintain that (1) the 2011 plans were adopted with a discriminatory intent; (2) the 2011 plans entitled Plaintiffs to 3(c) relief; (3) the adopted interim 2013 plans continued to contain important features from the 2011 plans that were infected with a discriminatory purpose; and (4) the interim plans did not fully remedy the discriminatory effects of the 2011 plans.

In the decision issued Friday, the three-judge court majority opinion held: "Plaintiffs should not have to jump through additional hoops to prove that the 2011 mapdrawers' intent carried forward to the 2013 Legislature when Plaintiffs' fundamental claims are that the 2011 mapdrawers acted with discriminatory intent, Plaintiffs are still being harmed by the districts drawn with that intent, and Plaintiffs have potential relief available under § 3(c) for that harm." *Perez v. Abbott*, 5:11-CV-00360-OLG-JES-XR, ECF 1339, p. 5 (March 10, 2017) (attached). Circuit Judge Smith had argued that the attorney fee decision concerning the challenge to the 2011 Texas Senate plans (*Davis v. Abbott*, 781 F.3d 207 (5th Cir. 2015)) compelled a finding that the 2011 redistricting challenges were moot. But the majority rejected that argument. *Id.* at pp. 3-6.

Texas pushed through the interim court-imposed remedy concerning redistricting in order to later argue that the full harm had been cured and that the case was now moot. Texas now tries to do the same here. This Court should follow the analysis and conclusion reached by the redistricting court majority and find that this case is not moot because (1) the harms have not been fully remedied; (2) Private Plaintiffs seek 3(c) relief, which remains a live controversy; and (3) the architecture of SB 5, the would be remedial legislative measure, remains invidiously similar to that of SB 14.

Respectfully Submitted,

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